

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gwong-Jen J. Chang

Application No. 10/500,796

Filed: July 6, 2004

Confirmation No. 5091

For: NUCLEIC ACID ENCODING CHIMERIC
FLAVIVIRUS IMMUNOGENS
COMPRISING THE JAPANESE
ENCEPHALITIS VIRUS (JEV) PRM
SIGNAL SEQUENCE

Examiner: Jeffrey S. Parkin, Ph.D.

Art Unit: 1648

Attorney Reference No. 6395-64909-02

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**REPLY TO DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM
ADJUSTMENT IN VIEW OF WYETH**

This reply is submitted in response to the Decision on Request for Recalculation of Patent Term Adjustment in View of Wyeth (Decision), dated April 20, 2010. A one-month period for response was set, making a reply due on or before **May 20, 2010**.

Applicant submits that dismissal of the Request for Recalculation of Patent Term Adjustment (Request) submitted February 8, 2010 was improper. It is Applicant's understanding that the Request may have been dismissed because it was filed before the patent issued on February 16, 2010. However, the Request was filed after receiving the Issue Notification from the U.S. Patent and Trademark Office (PTO), therefore Applicant's were aware of the PTO's final determination of the number of days of patent term adjustment that were to be granted to this patent. Accordingly, Applicant requests that patent term adjustment for the referenced patent be recalculated and an appropriate Certificate of Correction be issued.